

**A G E N D A**  
**SPECIAL MEETING, OCONEE COUNTY COUNCIL**  
**TUESDAY, SEPTEMBER 14, 1999**  
**5:00 PM**  
**OCONEE COUNTY ADMINISTRATIVE OFFICES**  
**415 SOUTH PINE STREET**  
**WALHALLA, SC**

1. Call to Order
2. Invocation
3. Second Reading of Ordinance 99-12, "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF POLLUTION CONTROL REVENUE REFUNDING BONDS (DUKE ENERGY CORPORATION) SERIES 1999 IN AN AGGREGATE AMOUNT NOT EXCEEDING \$37,000,000 OF OCONEE COUNTY, SOUTH CAROLINA, TO THE BANK OF NEW YORK, AS TRUSTEE, THE APPLICATION OF THE PROCEEDS OF SAID BONDS TO REFUND EXISTING POLLUTION CONTROL BONDS, THE ENTERING INTO OF CERTAIN COVENANTS AND AGREEMENTS AND THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE ISSUANCE OF THE AFORESAID BONDS, INCLUDING A TRUST INDENTURE BETWEEN OCONEE COUNTY AND THE BANK OF NEW YORK, SECURING THE BONDS AND PRESCRIBING MATTERS RELATED THERETO, A LOAN AGREEMENT BETWEEN OCONEE COUNTY AND DUKE ENERGY CORPORATION, A PURCHASE AGREEMENT AMONG OCONEE COUNTY, DUKE ENERGY CORPORATION AND GOLDMAN, SACHS, & CO., AND AN OFFICIAL STATEMENT AND OTHER MATTERS RELATING THERETO"
4. Consideration and Approval of Resolution 99-22, "A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MEMORANDUM OF UNDERSTANDING BY AND AMONG THE CITY OF SENECA, OCONEE COUNTY, AND OCONEE COUNTY ACTING THROUGH THE OCONEE COUNTY SEWER COMMISSION TO ADDRESS WATER AND SEWER PROBLEMS IN THE VILLAGE OF NEWRY"
5. Old Business
6. New Business
7. Adjourn

The Oconee County Law Enforcement, Safety, Health, Welfare & Services Committee & the AD HOC Committee to study the feasibility of a county wide recreation department will meet Tuesday, September 14, 1999 at 6:00 in Council Chambers, 415 South Pine Street, Walhalla, SC

**MEMBERS, OCONEE COUNTY COUNCIL**

Mr. Tim O. Hall, III, District I Mr. J.. Harold Thomas, District II  
Mr. Harry R. Hamilton, District III Mrs. Ann H. Hughes, District IV  
Mr. Charles R. "Chuck" Timms, District V

**MINUTES, SPECIAL MEETING, OCONEE COUNTY COUNCIL**

The Oconee County Council held a special meeting Tuesday, September 14, 1999 at 5:00 PM in Council Chambers with all Council Members and the County Attorney present.

**Press:**

Members of the press notified (via facsimile): Journal/Tribune, Keowee Courier, Westminster News, Anderson Independent, Greenville News, WGOG Radio, WYFF TV, WLOS TV & WSPA TV.

Members of the press present: Dick Mangrum – WGOG Radio, Dave Williams – Anderson Independent & Brian Fulkerson – Journal/Tribune.

**Ordinance 99-12:**

Mr. Timms made a motion, seconded by Mr. Hall, approved 5 – 0 that Ordinance 99-12, "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF POLLUTION CONTROL REVENUE REFUNDING BONDS (DUKE ENERGY CORPORATION) SERIES 1999 IN AN AGGREGATE AMOUNT NOT EXCEEDING \$37,000,000 OF OCONEE COUNTY, SOUTH CAROLINA, TO THE BANK OF NEW YORK, AS TRUSTEE, THE APPLICATION OF THE PROCEEDS OF SAID BONDS TO REFUND EXISTING POLLUTION CONTROL BONDS, THE ENTERING INTO OF CERTAIN COVENANTS AND AGREEMENTS AND THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE ISSUANCE OF THE AFORESAID BONDS, INCLUDING A TRUST INDENTURE BETWEEN OCONEE COUNTY AND THE BANK OF NEW YORK, SECURING THE BONDS AND PRESCRIBING MATTERS RELATED THERETO, A LOAN AGREEMENT AMONG OCONEE COUNTY AND DUKE ENERGY CORPORATION, A PURCHASE AGREEMENT AMONG OCONEE COUNTY, DUKE ENERGY CORPORATION AND GOLDMAN, SACHS, & CO., AND AN OFFICIAL STATEMENT AND OTHER MATTERS RELATING THERETO" be adopted on second reading.

**Executive Session:**

Mr. Thomas made a motion, seconded by Mr. Timms, approved 5 – 0 that Council go into executive session for the purpose of receiving legal advice subject to attorney/client privilege.

**Open Session:**

**(Newry Sewer Resolution 99-22):**

Mr. Hamilton made a motion, seconded by Mrs. Hughes, approved 5 – 0 that Council adopt the resolution provided to Council which authorizes the execution and delivery of a memorandum of understanding by and among the City of Seneca, Oconee County and Oconee County acting through the Oconee County Sewer Commission to address the water and sewer problems in Newry; provided that this motion includes that the conditions set forth in that motion adopted and approved by the City of Seneca on August 30, 1999 relating to Newry and all zoning and legal indemnification issues in favor of Oconee County relating to annexation of County property be a part of any final agreements between Seneca and Oconee County.

Mr. Hamilton made a motion, seconded by Mrs. Hughes, approved 5 – 0 that Mr. Orr be given the authority to execute the grants regarding Newry sewer and water contingent upon all requirements of the Memorandum of Agreement being met.

**Biological Warfare & Terrorism Broadcast:**

Mr. Orr informed those present that a Live Satellite Broadcast on Biological Warfare & Terrorism will be September 21<sup>st</sup>, 22<sup>nd</sup>, and 23<sup>rd</sup> from 12:30 to 4:30 PM at the Walhalla Health Department.

**Emergency Shelters:**

Mr. Orr informed those present that Shaver Complex, the Clemson House and Fike Hall have been opened as shelters for persons evacuating to this area from the coastal area as Hurricane Floyd is expected to make landfall on the coast.

**Sewer Moratorium:**

Mr. Cain, County Attorney, informed those present that there had been much discussion regarding the sewer situation in the county and the moratorium placed on sewer by the City of Seneca. Mr. Cain further informed Council that he had been asked by the Sewer Commission to prepare for Council's consideration a statement of intent to review the situation and address it in the future. Mr. Hamilton requested this be made an agenda item for the next meeting.

**Department of Commerce Letter:**

Mr. Orr read the attached letter from the Department informing him that the Department of Commerce is prepared to award grants in the amount of \$1,000,000 for the Newry water and sewer project by September 30, 1999.

**Minutes, Special Meeting, Oconee County Council**  
**Sewer:**

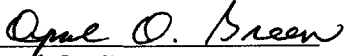
**September 14, 1999**

Mr. Timms requested that since Blue Ridge Electric had expressed an interest in water and sewer in the county that the county engineer and planning director meet with their representatives to discuss the possibility of expanding these services in the county.

**Adjourn:**

Adjourn: 5:45 PM

Respectfully Submitted,

  
Opal O. Green  
Council Clerk

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding dated September \_\_, 1999, is by and between OCONEE COUNTY, SOUTH CAROLINA (the "County"), the OCONEE COUNTY SEWER COMMISSION (the "Commission") and the CITY OF SENECA, SOUTH CAROLINA (the "City");

WHEREAS, the County has determined that the water and sewer system (the "System") available to the residents of the Town of Newry ("Newry") is inadequate due to the age and condition of such facilities; and

WHEREAS, the County has further determined that the System is inadequate to serve any new business which may desire to locate in the area of Newry; and

WHEREAS, the System, if not improved, will result in conditions detrimental to the health and welfare of the residents of Newry and greatly impede economic development in the Newry area; and

WHEREAS, failure to improve the System will result in a loss of jobs and revenue which may have otherwise been available to the citizens of the County; and

WHEREAS, Article VIII, Section 13, of the South Carolina Constitution provides that political subdivisions may enter into agreements for the sharing of costs related to providing governmental services; and

WHEREAS, the County held a referendum on April \_\_, 1976, authorizing the County, acting through the Commission, to provide sewer facilities in the County; and

WHEREAS, the City is authorized to provide water and sewer services;

In light of the foregoing recitals and the powers and authorities of the County, the Commission, and the City, respectively, the parties hereto agree as follows:

Section 1. The County will take all action permitted by law to acquire, construct and improve the sewer component of the System from the sources of funds authorized by its referendum. It is intended that these funds will come primarily from a \$1,000,000 grant (the "Grant") provided by the South Carolina Department of Commerce, with an appropriation of \$600,000 from the State (the "State Funds"). The County, acting through the Commission, will enter into an operating agreement with the City to assist in the operation of the sewer component of the System, including handling the billing of such sewer system costs to the users of the System.

Section 2. The City will acquire the water component of the System. The County will make available to the City from legally available funds the money necessary to acquire and renovate the water component of the System to the standards of the City as presently published. It is anticipated that this amount will come primarily from funds remaining of the Grant and State Funds after payment of costs associated with acquisition and improvement of the sewer

component of the System. The County shall have no further obligations to the City with respect to the water component of the System.

Section 3. The County will enter into an intergovernmental agreement whereby the County will make available to the City from legally available funds such amounts necessary on an annual basis for economic development purposes. Such amounts shall compensate the City for any losses it may incur in the operation of the sewer component of the System, such formula to be acceptable to both parties and subject to re-negotiation after actual operation of the System.

Section 4. The City and the County shall execute an Addendum to the Agreement dated March 3, 1978, between the City and the County, to reflect any revisions as required by the terms of this Memorandum of Understanding.

Section 5. The County and the City shall fully cooperate, in good faith, to assist each other in obtaining any permits or licenses as may be required by state, local or federal laws.

Section 6. The County, the Commission, and the City intend to finalize an intergovernmental agreement as described herein with all deliberate speed.

Section 7. The County, the Commission, and the City have each had this Memorandum of Understanding approved by resolution of its governing body in a meeting duly and properly noticed and assembled.

OCONEE COUNTY, SOUTH CAROLINA

Attest:

By: \_\_\_\_\_  
Supervisor/Chairman of County Council

\_\_\_\_\_  
Clerk to County Council

OCONEE COUNTY SEWER COMMISSION

By: \_\_\_\_\_  
Chairman

CITY OF SENECA, SOUTH CAROLINA

Attest:

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

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WHEREAS, the County has further determined that the System is inadequate to serve any new business which may desire to locate in the area of Newry; and

WHEREAS, the System, if not improved, will result in conditions detrimental to the health and welfare of the residents of Newry and greatly impede economic development in the Newry area; and

WHEREAS, failure to improve the System will result in a loss of jobs and revenue which may have otherwise been available to the citizens of the County; and

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**OCONEE COUNTY, SOUTH CAROLINA**

Attest:

By: \_\_\_\_\_  
Supervisor/Chairman of County Council

\_\_\_\_\_  
Clerk to County Council

**OCONEE COUNTY SEWER COMMISSION**

By: \_\_\_\_\_  
Chairman

**CITY OF SENECA, SOUTH CAROLINA**

Attest:

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk





# State of South Carolina

## Office of the Governor

JAMES H. HODGES  
GOVERNOR

POST OFFICE BOX 11829  
COLUMBIA 29211

September 10, 1999

The Honorable Harrison Orr  
Chairman/Supervisor, Oconee County  
415 South Pine Street  
Walhalla, South Carolina 29691

Dear Mr. Orr:

It is my pleasure to announce the award of a \$500,000 Community Investment Grant from the Community Development Block Grant Program to Oconee County. These funds will be used to provide water and sewer service to the Newry Mill Village benefiting 179 persons, of which 149 are low and moderate income.

The Department of Commerce, Division of Community Grant Programs, will be forwarding a grant agreement to Oconee County for execution within the next few days.

Please do not hesitate to call me if I can be of any assistance to you in the future.

Sincerely,

A handwritten signature in cursive script that reads "Jim Hodges".

Jim Hodges

cc: The Honorable Thomas C. Alexander  
The Honorable James G. Barrett  
The Honorable Becky R. Martin  
The Honorable William E. Sandifer, III



# South Carolina

DEPARTMENT OF COMMERCE

Jim Hodges  
Governor

Charles S. Way, Jr.  
Secretary

September 13, 1999

Mr. Harrison Orr  
Oconee County Supervisor  
P. O. Box 1068  
Walhalla, SC 29691

Dear Mr. Orr:

As you know, our office has been working with various representatives of Oconee County for quite some time in an effort to resolve the serious water and sewer problems of the unincorporated Newry mill village. We are prepared to award grants totaling \$1 million for this purpose by September 30, 1999.

Because there are many pressing needs for funding throughout South Carolina, I am requesting that Oconee County certify that it has completed all of the necessary agreements to implement the Newry Project prior to the award of the grants. We have been very supportive of the County's efforts to resolve this serious problem. However, we will not award funds for projects that are not ready to proceed.

I sincerely hope that Oconee County will be in a position to complete the upgrade to the Newry water and sewer systems. Further delay will jeopardize our ability to assist the County in this matter.

Please call me if you have questions concerning this request.

Sincerely,

Sam Cargill  
Director

DIVISION OF COMMUNITY GRANT PROGRAMS  
1122 Lady Street, Suite 700, Post Office Box 927  
Columbia, South Carolina 29201  
Telephone: (803) 734-0420 • Fax (803) 734-0385 • TDD: (803) 734-1046